



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-125-16

Property Address: 13700 Falls of Neuse Road

Property Owner: Kimco Wakefield Commons II Limited Partnership

Project Contact:

Nature of Case: A request for a variance from all of the wooded area requirements set forth in Section 9.1.9.A. of the Unified Development Ordinance to allow for the construction of a general building on a .23 acre property zoned Commercial Mixed-Use-3 Parking Limited and Urban Watershed Protection Overlay District located at 13700 Falls of Neuse Road.

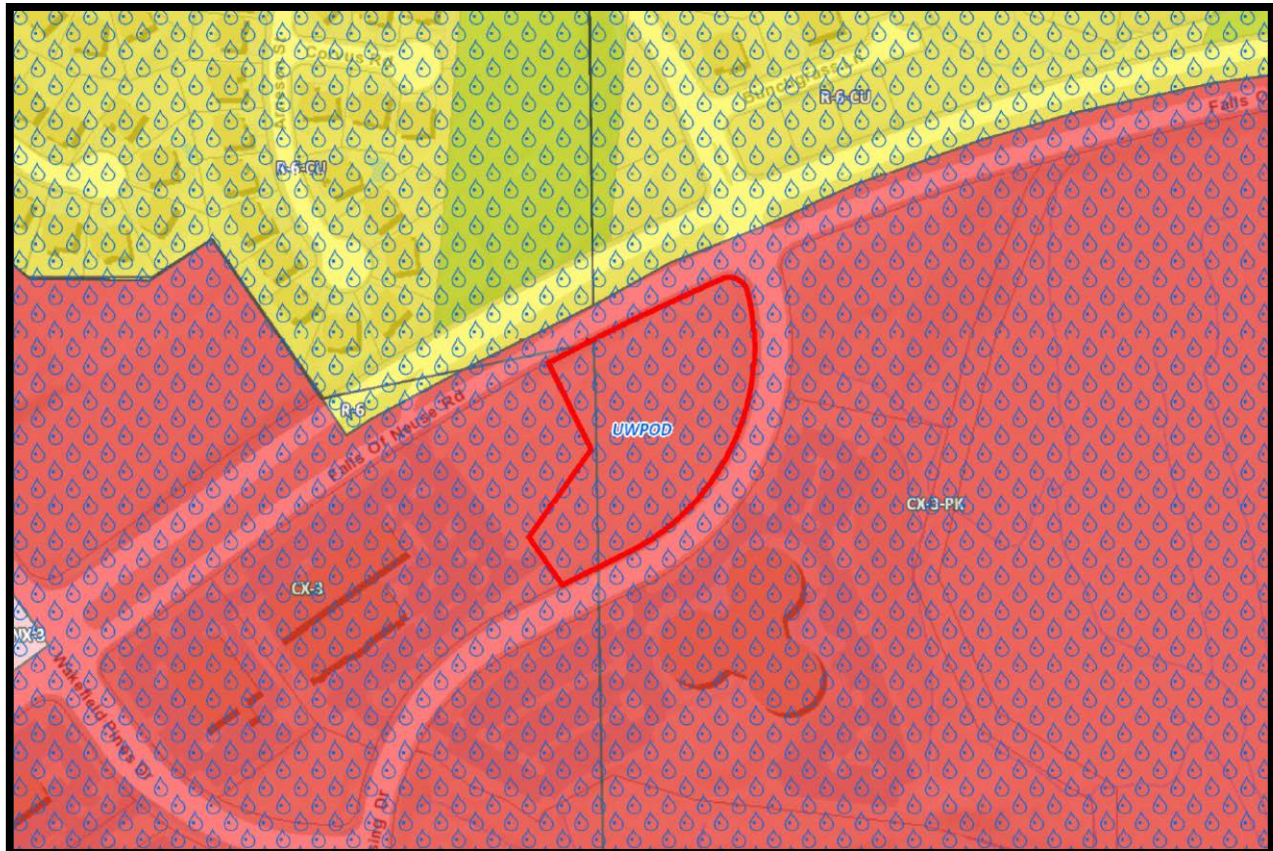


13700 Falls of Neuse Road – Location Map

To BOA: 11-14-16

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Commercial Mixed-Use-3 Parking Limited and Urban Watershed Protection Overlay District



13700 Falls of Neuse Road – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

To Legalize the Existing Structure:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. **The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**
3. **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**
4. **The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.**

Sec. 9.1.9 Watershed Protection Overlay Districts

A. Except as otherwise provided below, every lot located within a -UWPOD, -FWPOD or -SWPOD must provide and maintain an area set aside for trees equal to at least 40% of the lot area. Within this area, trees must either be preserved or planted in accordance with the following:

1. Tree areas may be 1 contiguous area or scattered areas throughout the lot, but no required tree area may be less than 1/5 of the total gross land area required to be set aside for trees;
2. All areas required to be set aside for trees shall be maintained as wooded areas;
3. Wooded areas may consist of either areas where active tree preservation is observed or tree planting areas;
4. Each active tree preservation area must contain a minimum of 2 inches of tree caliper per every 100 square feet and within such areas, active tree preservation shall be followed;
5. Areas that are set aside for trees that do not meet the standards for active tree protection areas must be planted with shade trees; and
6. The minimum size and planting rate of new tree plantings used to fulfill this requirement shall be either 1 bare-root seedling at least 14 inches tall planted per 100 square feet (10 feet by 10 feet centers) or one 2-inch caliper tree planted per 200 square feet.

B. After wooded areas have been determined and prior to or concurrent to any subdividing of the property or issuance of building permit, the landowner shall record with the local County Register of Deeds a plat with metes and bounds descriptions of all wooded areas.

C. For lots located within areas designated "New Urban" by the Swift Creek Land Management Plan, the regulations of Sec. 9.1.9.A. above apply with the exception that only 25% of each lot must contain an area set aside for trees.

D. For lots located within a conservation development, areas set aside for trees may in lieu of being situated on the individual dwelling lots may instead be located within the required open space, provided that the overall acreage set aside for trees is not diminished.

E. The requirements of this section do not apply to lots devoted exclusively to stormwater control measures or to those lots located in those areas of the Comprehensive Plan designated for impervious surfaces in excess of 30%.

Application for Variance

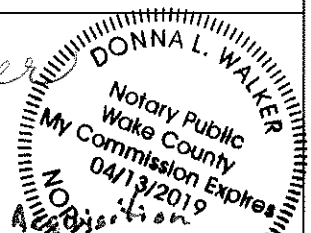
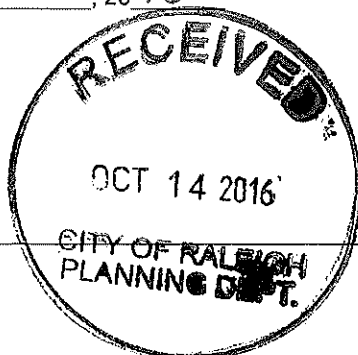


Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
<p>Nature of variance request (if more space is needed, submit addendum on separate sheet): See attached addendum:</p>	<p>Transaction Number</p> <p><i>A-125-16</i></p>
<p>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.</p> <p>Sketch Plan:467569 Site Plan:486554</p>	

GENERAL INFORMATION		
Property Address 13700 Falls of Neuse Road	Date 10/13/16	
Property PIN 1739-18-3751	Current Zoning CX-3-PK & CX-3	
Nearest Intersection Falls of Neuse Road & Wakefield Crossing Drive	Property size (in acres) 2.30	
Property Owner CK Wakefield Properties, LLC	Phone	Fax
Owner's Mailing Address 111 E. Hargett Street Suite 300 Raleigh, NC 27601	Email	
Project Contact Person	Phone	Fax
Contact Person's Mailing Address	Email	
Property Owner Signature <i>* [Signature]</i>	Email <i>pate.crown-companies.com</i>	
<p>Notary</p> <p>Sworn and subscribed before me this <u><i>14th</i></u> day of <u><i>October</i></u>, 20 <u><i>16</i></u></p>	<p>Notary Signature and Seal</p> <p><i>Donna L. Walker</i></p> <p><i>* By: Crown Triangle Acquisitions, LLC</i> <i>By: The Crown Companies, LLC, Its Manager</i> <i>By: James Dean Marion</i> <i>James Dean Marion, Member / Manager</i></p>	



CK Wakefield Properties, LLC is requesting a Zoning Variance from the City of Raleigh Zoning ordinance for the property located at 13700 Falls of Neuse Road (PIN#1739-18-3751).

The property in question is located within an Urban Watershed Protection Overlay District (-UWPOD) and per section 9.1.9.A of the City of Raleigh UDO the owner must provide and maintain an area of the site for trees equal to 40% of the lot area.

The property in question has several easements that are affecting the amount of lot area that is available to provide the tree coverage area. There is an existing Duke Power overhead utility easement that covers a large portion of the lot. There is also an existing storm drainage easement along Falls of Neuse Road and an existing City of Raleigh Sanitary Sewer Easement along Wakefield Crossing Drive.

There is an area of the site that is outside of the easements that is available to meet a portion of the tree coverage area. In addition, most of the property has a -PK frontage and corresponding 50ft thoroughfare yard and buffer landscape requirement that will be met, but the location of the existing drainage and utility easements, utility service connections to serve the site, and required sight distance triangles break this area up and prevent these areas from reaching the minimum 1/5 land area size for tree areas as required in section 9.1.9.A.1 of the UDO.

Due to the location of existing easements, utility service connections to serve the development, and sight distance triangles the requirement of Section 9.1.9.A cannot be met. A majority of the areas within the easement areas will remain open space (there is a sidewalk and a portion of the parking area within the easements) but this open area cannot be used to meet the tree coverage requirement.

Below is a table that summarized the site conditions:

Overall Site Area after R/W dedication:	100,323sf (2.30ac)
Required 40% tree coverage area:	40,129sf (0.92 ac)
Amount of site within easements:	33,660sf (0.77ac)
Remaining site area outside of easements:	66,663sf (1.53ac)
40% of remaining site area:	26,665sf (0.61ac)
Proposed site impervious area:	30,175sf (0.69ac) (30.1% impervious)

Proposed landscape areas provided:

- UWPOD wooded area boundary that meets requirements of 9.1.9.A: 18,888sf
- 50ft thoroughfare buffer and planting areas that do not meet 1/5 requirement per 9.1.9.A.1 14,450sf

Landscape area for tree coverage: 33,338sf

Total open space for site: 70,148sf (69.9% overall open space)


[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)

Real Estate ID 0304135 PIN # 1739183751

 Location Address Property Description
 13700 FALLS OF NEUSE RD WAKEFIELD CROSSING TR601 BM2007-01604

[Account Search](#)
[Pin/Parcel History](#) [Search Results](#) [New Search](#)

 NORTH CAROLINA [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Property Owner CK WAKEFIELD PROPERTIES LLC (Use the Deeds link to view any additional owners)		Owner's Mailing Address 111 E HARGETT ST STE 300 RALEIGH NC 27601-1482	Property Location Address 13700 FALLS OF NEUSE RD RALEIGH NC 27614-0000
Administrative Data Old Map # 231-00000-0000 Map/Scale 1739 01 VCS CBRA001 City RALEIGH Fire District Township WAKE FOREST Land Class VACANT ETJ RA Spec Dist(s) Zoning CUD TD History ID 1 History ID 2 Acreage 2.34 Permit Date Permit #		Transfer Information Deed Date 12/30/2010 Book & Page 14220 0609 Revenue Stamps 22788.00 Pkg Sale Date Pkg Sale Price Land Sale Date 12/30/2010 Land Sale Price \$406,929 Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area	Assessed Value Land Value Assessed \$804,724 Bldg. Value Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value Assessed* \$804,724

*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

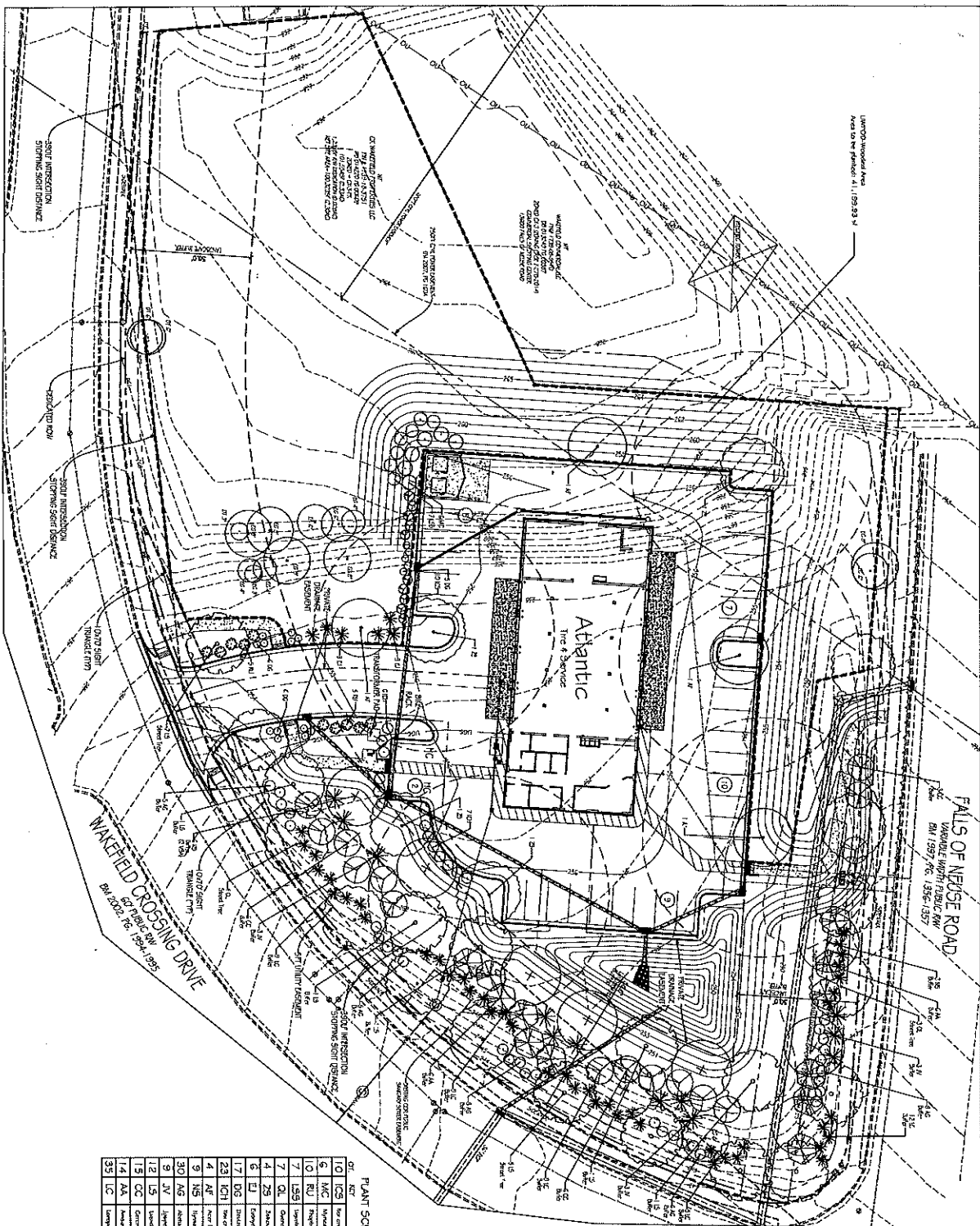
Real Estate ID **0304135**PIN # **1739183751**Account
Search

Location Address

Property Description

13700 FALLS OF NEUSE RD**WAKEFIELD CROSSING TR601 BM2007-01604**[Pin/Parcel History](#) [Search Results](#) [New Search](#)[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address 13700 FALLS OF NEUSE RD		Building Description CBRA001		Card 01 Of 01																																																																																																																																
Bldg Type Units Heated Area Story Height Style Basement Exterior Const Type Heating Air Cond Plumbing		Year Blt Addns Eff Year Remod Int. Adjust. Other Features		Base Bldg Value Grade Cond % Market Adj. Market Adj. Accrued % Incomplete Code Card 01 Value All Other Cards Land Value Assessed \$804,724 Total Value Assessed \$804,724																																																																																																																																
Main and Addition Summary <table border="1"> <thead> <tr> <th>Story</th> <th>Type</th> <th>Code</th> <th>Area</th> <th>Inc</th> </tr> </thead> <tbody> <tr><td>M</td><td></td><td></td><td></td><td></td></tr> <tr><td>A</td><td></td><td></td><td></td><td></td></tr> <tr><td>B</td><td></td><td></td><td></td><td></td></tr> <tr><td>C</td><td></td><td></td><td></td><td></td></tr> <tr><td>D</td><td></td><td></td><td></td><td></td></tr> <tr><td>E</td><td></td><td></td><td></td><td></td></tr> <tr><td>F</td><td></td><td></td><td></td><td></td></tr> <tr><td>G</td><td></td><td></td><td></td><td></td></tr> <tr><td>H</td><td></td><td></td><td></td><td></td></tr> </tbody> </table>			Story	Type	Code	Area	Inc	M					A					B					C					D					E					F					G					H					Other Improvements <table border="1"> <thead> <tr> <th>Units</th> <th>DesItem</th> <th>Code</th> <th>Year</th> <th>%ADJ</th> <th>Inc</th> <th>Value</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>			Units	DesItem	Code	Year	%ADJ	Inc	Value																																																																						
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PLANT SCHEDULE

NO.	SYM.	PLANT NAME / COMMON NAME	SIZE	QTY
1	10	10' ROUND CROWNED PALM	10' DBH	1
2	10	10' ROUND CROWNED PALM	10' DBH	1
3	10	10' ROUND CROWNED PALM	10' DBH	1
4	10	10' ROUND CROWNED PALM	10' DBH	1
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35	10	10' ROUND CROWNED PALM	10' DBH	1



LANDSCAPE PLAN

PLANTING NOTES:

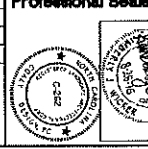
1. All plantings are to be installed by the contractor within 14 days of final grading.
2. All plantings are to be installed in accordance with the City of Raleigh Planting Specifications.
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Revisions

No.	Description	Date	By
1	Initial Design	8.26.16	KJW
2	Final Design	8.26.16	KJW

Date Issued: 8.26.16
Scale: 1"=20'
Drawn by: KJW
Checked by: KJW

Professional Seal



Consultants

Atlantic Tire
13700 FALLS OF NEUSE ROAD
RALEIGH, NC

LANDSCAPE PLAN

ATLANTIC TIRE
13700 FALLS OF NEUSE ROAD
RALEIGH, NC



13600 FALLS OF NEUSE RD	BROWN WATER INVESTMENTS I LLC	1739089570
2921 WAKEFIELD CROSSING DR	BROWN WATER INVESTMENTS I LLC	1739089570
2921 WAKEFIELD CROSSING DR	BROWN WATER INVESTMENTS I LLC	1739089570
13600 FALLS OF NEUSE RD	WAKEFIELD CROSSING CONDO	1739089570
13600 FALLS OF NEUSE RD	BROWN WATER INVESTMENTS I LLC	1739089570
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2921 WAKEFIELD CROSSING DR	BROWN WATER INVESTMENTS I LLC	1739089570
13700 FALLS OF NEUSE RD	CK WAKEFIELD PROPERTIES LLC	1739183751
3000 WAKEFIELD CROSSING DR	HIGH DEFINITION DESIGN LLC	1739184385
13800 FALLS OF NEUSE RD	CK WAKEFIELD PROPERTIES LLC	1739187931

